

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 3:17-00028-01

TRACIE M. REED

ORDER

On June 19, 2020, the Court denied defendant Tracie Reed's Emergency Motion for Compassionate Release from Incarceration. ECF No. 52. Reed now moves for reconsideration and for the appointment of counsel. ECF Nos. 54, 55. As to Reed's motion for counsel, the Constitution does not guarantee a right to appointed counsel in post-conviction proceedings. *Pennsylvania v. Finely*, 481 U.S. 551, 555 (1987). The Court has discretion to appoint counsel in proceedings under 18 U.S.C. § 3582(c) where the interests of justice so require, but Reed has not made such a showing here. As for Reed's request for reconsideration, she still has not demonstrated a particularized risk of contracting COVID-19 at her current facility. *See U.S. v. Feiling*, No. 3:19CR112 (DJN), 2020 WL 1821457, at *7 (E.D. Va. Apr. 10, 2020) (explaining that in the current COVID-19 outbreak "courts have found extraordinary and compelling reasons for compassionate release when an inmate shows both a particularized susceptibility to the disease and a particularized risk of contracting the disease at his prison facility"). According to the Bureau of Prisons, FPC Alderson has no confirmed active cases. *See COVID-19 Cases*, FEDERAL BUREAU OF PRISONS, <https://www.bop.gov/coronavirus/> (last visited July 8, 2020). The Court therefore **DENIES** Reed's motions, ECF Nos. 54 and 55, and **DIRECTS** the Clerk to send a copy of this Order to counsel

and the defendant, the United States Attorney's Office, the United States Probation Office, and the United States Marshals Service.

ENTER: July 13, 2020

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE